

United States District Court

for the
Western District of New York

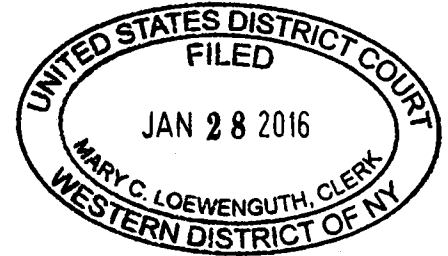
United States of America

v.

Case No. 16-M- 28

SHERROD OGLETREE

Defendant



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From in or about August 5, 2015 and continuing through in or about August 20, 2015, in the Western District of New York, the defendant knowingly employed, used, persuaded, induced, enticed or coerced a minor under the age of 18 years of age to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct which was transported or transmitted using any means or facility of interstate or foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) and 2252A(a)(2)(A).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

A handwritten signature in black ink, appearing to read "GLENN M. ERNY".

Complainant's signature

GLENN M. ERNY, Special Agent
Department of Homeland Security

Printed name and title

Sworn to before me and signed in my presence.

Date: January 28, 2016

A handwritten signature in black ink, appearing to read "H. K. SCHROEDER, JR.".

Judge's signature

City and State: Buffalo, New York

HON. H. KENNETH SCHROEDER, JR.
United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, GLENN ERNY, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent for the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations. I have been so employed for the past five years. I have also been prior employed by the United States Border Patrol for approximately four years. I am currently assigned to investigations involving human trafficking, human smuggling, criminal gangs as well as other criminal investigations.

2. This affidavit is submitted for the limited purpose of establishing probable cause to believe that SHERROD OGLETREE, born xx/xx/1995, did violate: Title 18, United States Code, Section 2251(a) by persuading, inducing or coercing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct knowing said visual depiction would be transported using any means or facility of interstate or foreign commerce; and Title 18, United States Code, Section 2252A(a)(2)(A), by knowingly possessing material that contains an image of child pornography that had been mailed, or shipped or transported using any means or facility

of interstate or foreign commerce, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

3. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses and a review of documents and records. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that SHERROD OGLETREE, did knowingly violate Title 18, United States Code, Sections 2251(a) and 2252A(a)(2)(A).

4. On August 20, 2015, Minor Victim #1 (MV1) contacted the Buffalo Police Department (BPD). Your affiant reviewed the information provided by MV1 to BPD Officers which indicated that she was being "Sextorted" through the internet, via Facebook, by an account known as "Mrss Guwop." Upon reading the messages between MV1 and "Mrss Guwop," your affiant observed that MV1 was instructed by "Mrss Guwop" to contact "her manager" via telephone number (716) 533-7383 and MV1 was further instructed to pay \$20, give a Samsung Galaxy electronic Tablet and have sex with "Mrss Guwop's" manager. If MV1 refused to comply with the terms as stated, "Mrss Guwop" threatened to post the screenshots of conversations between "Mrss Guwop" and MV1,

where MV1 agreed to work as a prostitute, onto Facebook and to "tag" all of MV1's friends and family to the post so that MV1's friends and family would see the conversation.

5. Once "Mrss Guwop" learned that MV1 had more money, the terms of the extortion fee were modified to \$60, the electronic tablet, and sex. After numerous pleas from MV1 not to post their conversations and not to require her to have sex with the "manager" and, after it appeared that MV1 was considering not to give any money or items to "Mrss Guwop" or the "manager", the extortion fee was changed, again, to \$40 and the Samsung Galaxy Tablet. During the conversation "Mrss Guwop" sent a picture of the alleged "manager" to MV1. Your affiant viewed the photograph. Exhibit A

6. On August 20, 2015, your affiant, along with BPD officers, had MV1 contact telephone number (716) 533-7383 from her cellular phone. Your affiant overheard a male subject answer the phone. MV1 told the male subject that she was on her way to meet him. MV1 told your affiant that the male subject instructed MV1 to go to 514 Woodlawn Avenue, Buffalo, N.Y. This is the same address that "Mrss Guwop" told MV1 to go to, via the internet, on Facebook Messenger, prior to the phone conversation.

7. Upon entering the vicinity of 514 Woodlawn Avenue, Buffalo, N.Y., your affiant observed a male subject, matching the description of the photo that was sent to MV1, at the front door of 514 Woodlawn Avenue, Buffalo, N.Y. The male subject was using a cellular telephone at the time he was observed. When the male subject noticed that MV1

was not alone, he immediately closed the front door to 514 Woodlawn Avenue and retreated inside.

8. On August 20, 2015, your affiant participated in the arrest of the male subject, later identified as Sherrod OGLETREE, at 514 Woodlawn Avenue, Buffalo, N.Y. OGLETREE was in possession of a Motorola XT1031 cellular telephone at the time of his arrest.

9. Subsequent to the arrest of OGLETREE, MV1 called telephone number (716) 533-7383 from her cellular phone. At this time your affiant heard the Motorola XT1031 phone, that was in the clothing pocket of OGLETREE, ring, indicating that OGLETREE was in possession and control of the phone used to contact, and to direct, MV1 to 514 Woodlawn Avenue, Buffalo, N.Y. I further observed that the caller identification on OGLETREE's phone displayed the telephone number of MV1.

10. Based upon the investigation into the incident that occurred on August 20, 2015, a search warrant for records of Facebook account user "Mrss Guwop" was sought. On September 14, 2015, a New York State search warrant was issued for records maintained by Facebook for the user "Mrss Guwop."

11. Your affiant reviewed the records returned from Facebook for the account "Mrss Guwop." I observed a historical conversation between the account of "Mrss Guwop" and Minor Victim #2 (MV2) via the internet. During this conversation the account of

"Mrss Guwop" knowingly solicited the production of pornographic images from MV2, a individual the "Mrss Guwop" account knew from the conversation was a minor. I observed MV2 state numerous times that she was a minor and, nevertheless, the "Mrss Guwop" account continued to ask for the pornographic images to be sent via Facebook using the internet. I did observe the pornographic images which were sent by MV2 via Facebook using the internet and "Mrss Guwop's" response to such messages, which indicated the images were received.

12. On December 11, 2015, your affiant observed a forensic interview of MV2 conducted by a Homeland Security Investigations, Forensic Interview Specialist. During the interview, MV2 stated that she did take the photographs but she never sent them to anyone. During the course of the interview MV2 was very concerned about what her mother would think of her and repeatedly said she didn't want to hurt or let down her mother. Your affiant discussed MV2's concern with MV2's mother.

13. Shortly after leaving the interview, MV2's mother contacted your affiant and stated that MV2 admitted to her that she did take the pictures and did send them to the Facebook account of "Mrss Guwop" using the internet. This information was further documented in a signed supporting deposition of fact that was produced by MV2's mother and given to your affiant on December 17, 2015.

14. On September 13, 2015, OGLETREE called telephone number (716) 730-1726, while incarcerated. Your affiant knows from this investigation that this number

belongs to T.H. Your affiant listened to parts of this call. At one part of the call OGLETREE tells the person your affiant believes to be T.H. to log onto OGLETREE's Facebook account using email address rerestacks@outlook.com. OGLETREE provided T.H. with the password to the Facebook account.

15. During the review of the Facebook search warrant return, I observed that the account "Mrss Guwop" was created using the email account rerestacks@outlook.com.

16. I reviewed a historical Facebook conversation between "Mrss Guwop" and an account named "Sammy Rosstein" that occurred on August 19, 2015; where "Mrss Guwop" asks "Sammy Rosstein" to put money on his phone. "Mrss Guwop" provided the phone number of (716) 533-7383. Thereafter, "Sammy Rosstein" put money on phone number (716) 533-7383 and sent the "Mrss Guwop" account an image of the receipt showing the transaction.

17. Information your affiant obtained throughout this investigation shows that the Facebook account, "Mrss Guwop", belongs to and was controlled by OGLETREE.

18. Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that SHERROD OGLETREE, has violated Title 18, United States Code, Sections 2251(a) and 2252A(a)(2)(A).



GLENN ERNY
Special Agent
Department of Homeland Security
Immigration & Customs Enforcement
Homeland Security Investigations

Sworn to before me this 28th

day of January, 2016.



HON. H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Facebook Business Record

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EXHIBIT A